

AMENDED IN ASSEMBLY APRIL 7, 2011
AMENDED IN ASSEMBLY MARCH 31, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 547

Introduced by Assembly Member Gatto

February 16, 2011

~~An act to amend Section 18070.2 of the Health and Safety Code, relating to manufactured housing. An act to add Section 18573.5 to the Elections Code, relating to voting.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Gatto. ~~Manufactured Home Recovery Fund: fee modification. Voting.~~

Existing law permits a voter who is unable to mark a ballot to receive the assistance of not more than 2 persons, selected by the voter, at a polling place. In addition, existing law prohibits electioneering, as defined, at a polling place, and further imposes criminal penalties on specified activities that interfere with another person's right to vote, including defrauding a voter who cannot read the ballot by deceiving and causing him or her to vote for a candidate that he or she did not intend to vote for.

This bill would provide that a person is guilty of a misdemeanor if he or she engages in electioneering at a polling place while serving as an interpreter or otherwise assisting a voter to vote, or if he or she, while providing care or direct supervision to an individual 65 years of age or older, coerces or deceives the individual into voting for or against a candidate or measure contrary to the individual's intent or in the absence of any intent of the individual regarding that vote.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Manufactured Home Recovery Fund, which is continuously appropriated to make payments and distributions for actual and direct losses, as defined, arising out of specified transactions regarding the purchase or sale of a manufactured home, if certain conditions are met. Existing law prescribes a fee collected by the Department of Housing and Community Development for each reported sale of a manufactured home, to be deposited in the fund. Whenever the balance in the fund exceeds \$1,000,000 the department is authorized to reduce or increase the fee, respectively.~~

~~This bill would instead provide that the department may reduce the fee when the balance exceeds \$2,000,000.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18573.5 is added to the Elections Code,
- 2 to read:
- 3 18573.5. Every person is guilty of a misdemeanor who does
- 4 either of the following:
- 5 (a) Engages in electioneering at a polling place while serving
- 6 as an interpreter or otherwise assisting a voter pursuant to Section
- 7 14282.
- 8 (b) While providing care or direct supervision to an individual
- 9 who is 65 years of age or older, coerces or deceives the individual
- 10 into voting for or against a candidate or measure contrary to the
- 11 individual's intent or in the absence of any intent of the individual
- 12 regarding that vote.
- 13 SEC. 2. No reimbursement is required by this act pursuant to
- 14 Section 6 of Article XIII B of the California Constitution because
- 15 the only costs that may be incurred by a local agency or school
- 16 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. Section 18070.2 of the Health and Safety Code~~
7 ~~is amended to read:~~

8 ~~18070.2.— (a) Fees for the establishment and operation of the~~
9 ~~Manufactured Home Recovery Fund shall be collected on or after~~
10 ~~January 1, 1985. Claims against the fund arising from sales which~~
11 ~~occur after January 1, 1985, may not be submitted to the~~
12 ~~department before January 1, 1986. For purposes of this section,~~
13 ~~the date of sale shall be either of the following:~~

14 ~~(1) The date escrow closes for sales by dealers that are subject~~
15 ~~to Section 18035 or 18035.2.~~

16 ~~(2) For all other sales, including sales by dealers in which escrow~~
17 ~~does not close, the date when the purchaser has paid the purchase~~
18 ~~price or, in lieu thereof, has signed a security agreement, option~~
19 ~~to purchase, or purchase contract and has taken physical possession~~
20 ~~or delivery of the manufactured home.~~

21 ~~(b) Notwithstanding any other provision of law, whenever the~~
22 ~~balance in the Manufactured Home Recovery Fund exceeds two~~
23 ~~million dollars (\$2,000,000) on January 1 of any year, the~~
24 ~~department may reduce the fee provided for in subdivision (c) of~~
25 ~~Section 18070.1. The department may again increase the fee up~~
26 ~~to a maximum of ten dollars (\$10) whenever the balance in the~~
27 ~~fund falls below one million dollars (\$1,000,000).~~